

**CITY OF ROCKVILLE PLANNING DIVISION  
STAFF REPORT**

September 25, 2003

**SUBJECT:**

Variance Application APP2003-00808

Applicant: John Baublitz  
18 Harvard Court  
Rockville, Maryland 20850

Property Location: 18 Harvard Court

Board of Appeals Public Hearing Date: October 4, 2003

**REQUEST:**

The applicant seeks a seven foot two inch variance from the side yard setback requirement for a two-car garage.

**STAFF RECOMMENDATION:**

Approval, subject to the following:

1. That the garage be constructed in substantial conformance with the submitted plans and with materials compatible with the existing home.
2. The applicant must submit an Affidavit of Posting certifying that the public hearing sign has been posted on the property in accordance with City requirements.

**ANALYSIS:**

**Project Proposal**

The applicant would like to add a six-foot addition onto the existing one-car garage to create a nineteen-foot six-inch wide by seventeen-foot deep two-car garage onto the right or east side of the house.

**Property Description and Background**

The subject property is located in the College Gardens subdivision, where it is zoned R-90, One-Family Detached Restricted Residential. It is a pie shaped lot that contains 12,948 square feet of land. Improvements include a single-family dwelling with a wood deck.

### **Requested Variance**

Section 25-311 requires a side yard setback of eleven feet in the R-90 Zone. The applicant proposes to encroach seven feet two inches into the side yard setback.

### **Applicable Sections of the Zoning Ordinance**

Section 25-1 defines variance as a modification only of the density, bulk or area requirements, where such modification will not be contrary to the public interest and, owing to conditions unique to the property and not the result of any action taken by the applicant, of which literal enforcement of the ordinance would result in practical difficulty.

### **Staff Analysis and Recommendation**

The following are the findings that must be made in order for the Board to approve a variance as well as staff's observations.

1. **The variance as requested would not be contrary to the public interest.** Many of the homes within the College Gardens neighborhood have garages and carports that encroach into the side yard setback. Since this is a common occurrence in the neighborhood, the variance as requested would not be contrary to the public interest.
2. **The variance is requested owing to conditions peculiar to the property and not the result of any action taken by the applicant.** The lot is pie or wedge shaped. The house is not set parallel to any of the lot lines. An encroachment of seven feet two inches at the front of the garage is only an encroachment of four feet at the back. The house is not well centered on the lot and the situation is also peculiar because the garage already has a slight (approximately two inch) encroachment into the side yard setback. Having dealt with many homes within the neighborhood, this appears to be a common occurrence. As such, staff finds that the variance is requested owing to conditions peculiar to the property and that it is not the result of any action taken by the applicant.
3. **A literal enforcement of the Ordinance will result in practical difficulty.** The property could support a garage where one vehicle is parked behind the other without a variance. This is an option but it is not ideal. It typically makes a garage difficult to use because of the jockeying of cars that is necessary to when the one behind the other needs to be used. As a result, a literal enforcement of the Ordinance will result in practical difficulty.

Based on the above, staff recommends approval of Variance Application APP2003-00808, subject to the conditions noted.

**NOTIFICATION**

Notices about the public hearing were sent to 356 residences, including those that are legally required.

Attachments